
PROTESTS,

&c. &c.

THE
PROTESTS

OF THE

HONOURABLE W. F. ELPHINSTONE,

JAMES PATTISON, Esq.

JAMES DANIELL, Esq.

ROBERT THORNTON, Esq.

JOHN HUDDLESTONE, Esq.

J. A. BANNERMAN, Esq.

DIRECTORS of the EAST INDIA COMPANY,

Against the Continuance

OF

SIR GEORGE BARLOW

IN THE

GOVERNMENT OF MADRAS;

Read at a COURT of DIRECTORS held on Wednesday
the 7th of August, 1811.

London:

Printed by WILLIAM THORNE, Red Lion Court, Fleet Street;

And sold by SHERWOOD, NEELY, and JONES,
Pater Noster Row.

1812.

PREFACE.

THAT the least informed reader of these Papers may understand the transactions to which they refer, it may be right to acquaint him, that in the year 1809, serious disturbances broke out in the East India Company's Army serving under the Madras Government. These disturbances, though the natural fruit of a harsh and bitter policy, were wisely condemned by the Directors, as soon as the intelligence reached them, in a tone of severe reprobation; and their Governments abroad received their sanction and support in the means adopted to quell them.

This support was the more liberally conceded to the Governor (Sir George Barlow), because he had taken care to be the first who told the story. General M'Dowall was lost on his passage, and Mr. Buchan, the hired agent of Sir George Barlow, arrived with his dispatches before any other intelligence had reached England. By degrees, however, the subject was better elucidated. Complaints, memorials, petitions crowded in against him without number. But he had secured

in his favour one or two leading members of the Court; and through their influence, for a time, every thing that breathed a prayer, or led to an inference against him, was heard with unwilling ears. Such, however, is the force of truth, even amongst a body so constituted, that a very different feeling began to manifest itself towards the middle of last year amongst the Directors. It seemed as if they were beginning to suspect, that the continuance in the Government of Madras, of a man who had ingeniously contrived to be hated by all ranks and classes of people, was neither politic nor safe. Accordingly, notice was given of a motion to recall him. It was debated on the 23d of July, 1811, and negatived by a majority of *two*. Nor would this have happened, had it not been for a sudden change of opinion in one or two of the Court; a change at complete variance with the language they had uniformly held since the subject had been first agitated. This problem can only be solved by the influence of the President of the Board of Control, who being a relation of Mr. Buchan, had entered with much personal zeal into the cause of Sir George Barlow. The number of that Board is twenty-four. It seems, therefore, that Sir George Barlow has obtained a triumph, which an exalted mind would consider a disgrace; and that he now holds his place on a tenure, which virtue or pride ought to have taught him to despise. The Protests, signed by six Gentlemen out of those who voted against him, comprehending no

mean proportion of whatever of talent or honour is to be found amongst them, are the subject of the following pages. They are printed from the copy called for by the House of Commons, preparatory to a motion of which notice has been given in that House, for his re-call.

Besides the military affairs, the Protests advert to a passage in his administration, of which little has been hitherto known. It seems that he has been guilty of an alarming interference in the proceedings of the King's Court at Madras. This is a short statement of that interference.

The Advocate General, Mr. Anstruther, had purchased of a man of the name of Reddy Row, a forged bond of one of the Nabobs of the Carnatic, for the liquidation of whose debts an Act of Parliament had been passed. Several creditors, interested of course in wiping away unjust debts, had objected to this claim, and impeached it by a prosecution of Reddy Row and his accomplices. Sir George Barlow, deferring to the mercenary advice of the Advocate General, took the criminals under his protection; dispatched a civil servant, at the expence of 1400 pagodas to the Company, to procure witnesses in their behalf; deprived the Magistrate, who had committed the delinquents, of his office; and drove one of the prosecutors (Benjamin Roebuck, Esq.) from his place and its emoluments from the Presidency, to a reduced allowance and petty situation

at a remote station, where, at the advanced age of 65, he died literally of a broken heart. Another of the prosecutors he ordered home to England.

The verdict of three successive Juries, however, confirmed the justice of the prosecution. But their verdicts were pronounced to be *factions*, and the Chief Justice was induced to recommend the persons convicted, Reddy Row and Anunda Row, for the King's pardon. That pardon was granted; but before the pardon arrived at Madras, Reddy Row, protected and caressed by Sir George Barlow, was detected in another forgery, and evaded the consequences of his crime by poisoning himself; and the very day when the pardon thus obtained was read in Court, the other object of it, Anunda Row, was found guilty of another, but a similar offence. The Advocate General has since expressed his acknowledgment of his own error, in terms of the most abject apology. To such an extremity did Sir George Barlow carry his resentments on this occasion, that several persons, who had served on these juries, unaccountably felt his displeasure, by their sudden dismissal from their situations, which was wholly inexplicable on any other ground, than that they were punished for the verdicts they had given.

If these matters, so disgraceful to the British character in India, pass over without inquiry, it may justly be allowed us to be out of humour

with the age we live in. Such things would not have been overlooked in better times. Authenticated charges of injustice and persecution against a colonial Governor, would have provoked, at least, an inquiry. But the present case has hitherto been scarcely complimented with a discussion ; a circumstance, attributable either to its having been forgotten amongst matters of nearer, though not more important interest, or to an ill-omened indifference to all abuses of authority in the *distant* parts of the British Empire.

COPY of the DISSENTS

TO THE

Court's Resolutions of the 23d July, 1811.

AT a Court of Directors, held on Wednesday the 7th August, 1811;—

Four Dissents to the Court's Resolution of the 23d ultimo, as to Sir G. Barlow remaining in the Government of Fort St. George, were read; viz.

One signed by the Honourable W. F. Elphinstone, James Pattison, and James Daniell, Esquires;

One by Robert Thornton, Esq.

One by John Hudleston, Esq.

One by J. A. Bannerman, Esq.

To the Honourable the COURT of DIRECTORS of
the EAST INDIA COMPANY.

Gentlemen,

We dissent from the Resolution of the Court of the 23d instant, negating the Motion,—

“ That on a review of the Proceedings of this
“ Court, on the information received from India, re-
“ lative to the late unnatural rebellion at the Presi-
“ dency of Fort St. George, the Court contemplate
“ with satisfaction the permanency which the mea-
“ sures adopted by the Court are calculated to give to
“ the state of order and tranquillity, into which the

“ Settlement had been brought and was left at the period of Lord Minto's return to Bengal.

“ That any farther inquiry into the causes which led to the disturbances alluded to, is now become unnecessary, and could only tend to a revival of those animosities and erroneous principles, which it is the earnest desire of this Court may be totally suppressed, in order that their baneful effects in producing those evils, which of late there has been so much cause to censure and deplore, may be committed to eternal oblivion.

“ That although the Court approve the zeal and integrity of Sir George Barlow, the present Governor of Fort St. George, they deem his continuance in that station inexpedient, and not calculated for the attainment of the objects above stated, which the Court are decidedly of opinion may be more effectually promoted by a reform of that Government.

“ That as it is always most desirable that his Majesty's Ministers and the Court of Directors, should act with the greatest confidence and unanimity, and most particularly on a business so delicate and important as the present; **RESOLVED**, therefore, That the Chairman and Deputy Chairman be desired to wait upon Lord Melville, President of the Board of Commissioners for the Affairs of India, with a Copy of these Resolutions, and, in concert with his Lordship, to form a new Government for Madras with as little delay as circumstances will permit,” for the following reasons:—

BECAUSE,—The moderate tone of the Motion, and the avoidance of all mention of the causes which have led to the present alienated state of the public mind at Madras, and for their object the securing a measure of great public importance, with as little personality as possible; and while it gave to His Majesty's Minis-

ters, their due weight, it at the same time evinced a wish to give credit to Sir George Barlow and the Government of Fort St. George, for the fortitude and zeal displayed by them in the suppression of the rebellion, without pressing into prominent notice upon the records the series of political errors and arbitrary conduct, both in the Civil and Military Departments, which produced general dissatisfaction throughout the Settlement; and by a deplorable chain of causes and effects, led so large a number of brave men to forget their first duties, and tarnish the high reputation they had earned in the field by revolt against legitimate authority.

BECAUSE,—The Motion, if adopted, would have given ample time to His Majesty's Government, in concert with the Chairman and Deputy Chairman, to whom such power was proposed to be delegated, to combine upon a solid basis, and with due deliberation, such a firm, able, and popular Government, for the Settlement of Madras, as Lord Minto himself (on all occasions the strong panegyrist of Sir G. Barlow) declares to be absolutely necessary for the restoration and maintenance of discipline and harmony, and for which, in his dispatch of 5th February, 1810, paragraph 227, *he acknowledges that Sir G.^e Barlow, under the circumstances in which he is placed, is wholly unfit.*

BECAUSE,—The time is now arrived, when, free from the danger of the appearance of controul from external circumstances, the Court, having duly investigated the causes of the late lamentable events, and having traced them to their true source, may justly appreciate the fortitude and zeal so boastingly attributed to Sir George Barlow's Government; and as the only laudable result of those qualities in their fullest exertion, was the suppression of revolt instigated by its own tyranny and oppressions; we must pronounce

our definitive opinion to be, that the praise due to that Government is at best of a negative nature, its only merit being that of having arrested mischief created by *itself* in its progress towards the destruction of the Settlement, and perhaps of British India.

BECAUSE,—The errors of Sir George Barlow's Government, which the rejection of the motion compels us to state distinctly, aggravated as they are by harsh and cruel conduct to individuals, stand recorded on the Military and Civil annals in numerous, deplorable, and incontestible instances; and,

Treating first of the Military discontents, and commencing with the case of Lieutenant Colonel Munro, we find as subjects of unqualified reprobation:

1stly. The publicity given to Lieutenant Colonel Munro's Report on the Tent Contract, in disregard of the prophetic declaration of the Adjutant General, Colonel Capper, to whom it had been submitted, that *those very passages* in it, which in effect proved so highly objectionable to the Army, and were in fact the corner-stone of all the subsequent mischief, were of a nature to excite the most lively feeling among the Officers; and therefore required on the score both of justice and prudence, the most deliberate investigation previously to their publication.

2dly. The release of Lieutenant Colonel Munro, by order of Government, on an appeal made by him to that authority, from the arrest under which he had been placed by the Commander in Chief; an appeal which we consider in itself expressly contrary to Military discipline and subordination, but which was rendered doubly objectionable by the circumstances under which it was conveyed; one copy having been transmitted to Government through the medium of its Civil Secretary, while on the *very same day*, under a false show of duty, another was tendered to the Com-

mander in Chief for transmission through the usual and only proper channel.

3dly. The refusal of Government to forward to the Court of Directors a most respectful memorial, signed by a great number of Officers commanding corps, humbly submitting a request, that the aspersions which they conceived levelled at their characters by certain expressions in Lieutenant Colonel Munro's Report on the Tent Contact, might undergo strict investigation; and pledging themselves solemnly to abide patiently and submit implicitly to the Court's decision; which refusal, tending as it naturally did, by the contemptuous manner in which it was returned to them, to exasperate the Officers, was literally acted up to by the Government, and the memorial was withheld from the Court; and this culpable omission, concealing from the Court the moderate view of the case entertained by the Officers, and naturally inducing a belief that the paper was of a highly objectionable nature, has been censured by the Court accordingly.

4thly. The unjust and ill-advised suspension from the Service, of Major Boles, for a strict execution of his duty in the promulgation of the General Order of the 28th of January, 1809, issued by the Commander in Chief, General M'Dowall, on his departure from Madras, which suspension, though at first considered too severe by the Court, afterwards received its sanction under the erroneous principles urged by the Judge Advocate Colonel Leith, and chiefly on account of the address to Major Boles, and the subscription in his favour, acts neither of his seeking nor within his controul; but this act of the Government has been at length declared, after the most solemn deliberation, in the Court's dispatch of the 22d of February, 1811, approved by the Board of Controul, "not to be upheld by the legal authorities advanced

" in support of it," and as such must be considered unjust, unwarrantable, and tending to throw into confusion every principle of Military subordination.

5thly. The suspension from the Service of Lieutenant Colonel Capper the Adjutant General, on his manly and honourable declaration, that Major Boles had acted in obedience to his commands in issuing the General Order above alluded to, aggravated by the refusal on the part of Government to see Colonel Capper, and listen to the explanations he was prepared to offer in justification of his conduct; which explanations, if attended to, might have led to the immediate restoration of both those officers to the Service, and have prevented the extraordinary irritation produced by their unjust suspension.

6thly. The harsh and altogether unnecessary restraint imposed upon Major Boles, subsequently to his suspension, and which has been disapproved by the Court, in their dispatch of the 22d of February, whereby he was prevented from returning to Europe on board the *Lady Lushington*, after he had engaged for his passage by that ship; a restraint which not only evinced a wanton abuse of power, but gave time for, and led to the address of the Officers to Major Boles, and the subscription in his favour, which indiscreet and reprehensible measures of the Officers were afterwards urged by the Government as proofs of disaffection and insubordination against them, and against Major Boles himself; while, in truth, the cruel persecution of that Officer was the real cause both of the address and subscriptions, as it excited a sense of commiseration for his suffering, leading to the natural results of comments on the measure, and offers of friendly relief.

7thly. The General Orders issued by Government, under date of the 1st of May, 1809, removing from their station and staff appointments, and suspend-

ing from the Service the several Officers therein named, upon vague and undefined charges, preferred on *ex parte* evidence, and against which the parties, thus publicly denounced as aiming to subvert the Government, had no opportunity allowed them to defend themselves; which measure may be truly deemed the parent of the revolt which ensued, as the Officers felt themselves declared thereby to be completely at the mercy of a vindictive Government, apparently determined to subject them to its arbitrary will, without hope of redress from a Court Martial, the only legitimate resort for the Military character suffering under unmerited imputation.

Further, we dissent from the Resolution of the 25d instant :

BECAUSE,—In its Civil conduct the Government of Madras has been guilty of equal errors, and still more palpable injustice, without the shadow of excuse; which is advanced in extenuation of its Military aggravations, namely, the danger and crisis of the moment, whereby the affection and respect of the Settlement have been irretrievably alienated, and sentiments directly opposite have taken place of those feelings. And the following instances selected from the mass, will incontestibly prove the want of prudence, foresight, temper and humanity, in the conduct of this mistaken Government.

1stly. In the case of Mr. Sherson (on whose innocence or guilt we do not hazard an opinion, as it is now at issue in equity before the Supreme Court at Madras) the decidedly hostile part taken by the Government, on a hasty view of the question, against an old, and till the present charge, an unimpeachable Servant, by suspending him the Service during the investigation of the charges preferred against him is known to have produced the first symptoms of agitation in the Civil part of the Settlement, on account

of the manifest partiality it displayed ; while in India, it is peculiarly the bounden duty of the Governments to abstain from any show of hostility towards persons accused, on account of the well known weight and effect on the minds of the Native witnesses of any such demonstration on the part of the Supreme Government.

2dly. The removal of Mr. Cecil Smith from his office of Civil Auditor, on the charge of a flagrant violation of his duty, though no specific offence has been brought forward against him beyond an indiscreet warmth of temper, and his only crime appears to have been the delivery, by order of Government, of an audit of Mr. Sherson's accounts of a more favourable nature than was expected, which removal on such a charge, was coupled with the extraordinary appointment of this gentleman, wholly ignorant as he is of the Native languages, to be third Judge in the Provincial Circuit Court of the Northern Division, establishing by *inference* that in the opinion of the Government " a flagrant violation of duty," and the positive disqualifications above alluded to, are no bar to a seat on the bench of a judicial tribunal.

3dly. The interference of the Government, one member * of which is known to have been the proprietor of a forged bond to a very large amount, in prosecutions instituted against individuals suspected of being, and since unequivocally proved to have been, the fabricators of forged bonds, purported to have been granted by the late Nabob of the Carnatic, and especially by the appointment of the Company's Law Officers, both of whom were proved, and have since acknowledged themselves to have been interested in the *very bond*, the validity of which was the subject of trial, to defend the cause of Reddy Row,

* Mr. Casamajor, one of the Council.

Anunda Row, and Mr. Batley, accused and since convicted of the crimes of forgery and perjury.

4thly. The dispatch of Mr. Saunders, a Company's Servant to Manargoody and Chillumbrum, the former of which places alone was visited by him, for the purpose of collecting evidence in favour of Mr. Batley, charged with, and since convicted of the crime of perjury, the result of which was the production of some miserable wretches, secure in the protection of Government, whose testimony was totally disregarded by the Court. The interference of Government thus to procure evidence for this criminal being upheld at the Company's expence to the amount of 1,400 pagodas.*

6thly. The removal of Mr. Maitland from his situation of Civil Magistrate, for having committed Reddy Row and Anunda Row on a charge of forgery, sworn to by two witnesses; a committal strictly consonant with his duty, but which (favoured as Reddy Row was by the Carnatic Commissioners and the Advocate General) was considered *factions*, and deserving such a mark of the displeasure of Government; which removal produced an extraordinary sensation in the Settlement, as demonstrating to what blameable lengths the Government of Sir George Barlow was prepared to proceed, against all persons who presumed to exercise even their most sacred duties in opposition to the partial views of the Government.

7thly. The removal from the Presidency of several respectable persons, who had served as Jurymen on

* This sum was afterwards ordered by Sir George Barlow to be defrayed out of the fund, destined by act of Parliament for the payment of the Creditors. So that the Prosecutors, who indicted those persons for committing frauds on that fund, were actually obliged to pay for the very defence of the wretches who had defrauded it!

the trials, without any alleged cause, which was naturally interpreted to have been occasioned by the decision of those legal authorities in favour of the legitimate creditors of the Nabob, who had prosecuted the forgers of the bonds to conviction.

8thly. The removal from his offices of Mr. Roebuck, an old servant of known and tried zeal and ability, especially displayed in the management of the Mint, for which he had received the thanks of the Supreme Government, without any alleged cause, and the banishment of that Gentleman to Vizagapatam, in spite of his endeavours to appease the anger of Government (which he supposed levelled at him for being one of the Prosecutors of the trial of Reddy Row) by a declaration that he had withdrawn himself wholly from those proceedings; in vain did he urge his age and services; his sentence is pronounced; he removes to Vizagapatam, and in that unhealthy climate he dies within a few weeks of a broken heart!! The injustice and cruelty of persecuting to such an extremity, a gentleman of high character, for an endeavour to defend his property against a horde of perjured swindlers are too glaring, and we shall ever consider *the sacrifice of this gentleman an indelible stain on Sir George Barlow's Government.*

9thly. The withholding from the Court the consultations upon these important trials, whereby their true merits were concealed, while the opinions of the Chief Justice and Advocate General were studiously brought forward; in consequence of which, and of the unusual refusal of Government to suffer the trials to be printed, not only was the Court kept in the dark, but the King's Government was induced to advise His Majesty, on the representation of the Chief Justice, though in opposition to the sentence of three respectable Juries, two of which were special, and

composed of Gentlemen who filled the first situations in the Settlement, to grant a pardon to those convicted criminals; which determination must now be a matter of deep regret, as subsequent events, and the suicide of Reddy Row, on the discovery of his numerous crimes and forgeries by the Commissioners, have proved to demonstration, that the sentence of "Guilty" pronounced upon them was a just sentence, and deserving of high approbation, being a manful stand of legal and highly gifted Juries against the single opinion of a Judge, whose notions, to say the least of them, *savoured in these trials too strongly of prejudice and prepossession.**

We dissent, moreover, from the Resolution negating the motion of the 23d instant, because, in two recent instances, Sir George Barlow has shown himself highly deserving of severe censure from the Court, namely:

1stly. In dismissing Mr. Petrie from the Council, on the receipt of a letter from the Secretary, Mr. Ramsay, acquainting him that such had been the Resolution of the Court, while it was his duty as a man, a gentleman, and a governor entrusted with such high interests, to wait till the arrival of the dispatch which should *actually order* such a change in the Council, and not to indulge his petty spleen and malevolent passions at the expence* of decency, and in violation of the law, and we consider this removal, in anticipation of clear and distinct orders from the Court, *to have been wantonly and grossly illegal.*

2dly. The delay, not to say refusal, of Sir George Barlow to appoint Colonel Agnew to the situation of Adjutant General, to which he had been recommend-

* The name of this man ought to be recorded. His name is Strange, and a relative of Lord Melville, late President of the Board of Control. The secret history of this business will shortly be published.

ed by the Court in terms too explicit to be misunderstood, and the continuance of junior Officers in that and other high situations on the Staff, in opposition to the declared opinion of General Hewit, who had been called to Madras by Lord Minto, for the purpose of making salutary regulations for the management of the Army, and who had declared it absolutely necessary to appoint to situations of such high trust, Officers of distinguished reputation and *experience*, and of a rank not below that of a Field Officer.

On the whole review of those multiplied errors, blended with harsh and oppressive conduct, we feel it our duty to put upon the record our solemn and deliberate dissent from the Resolution of the 23d instant, which, by negating the Motion for the removal of Sir George Barlow, and a reform in the Government of Madras, virtually declares that Government worthy the confidence of the Court, while it is our firm opinion, that the alienations of the affections of so large a proportion of the Company's Servants, Civil and Military at that Settlement, the lamentable fate to which India was exposed by the late rebellion, and the serious evils which it is possible may yet ensue from the adoption of the extreme measure of separating the Sepoys from their European Officers, a measure which, if justifiable at all, a crisis of the most imminent peril alone could justify, and which was justified *by no such crisis*, as the early approach of Lord Minto was hailed by all, except Sir George Barlow and his Council, as the harbinger of returning order and peace; are calamities which we should not have had either to deplore or apprehend, if the administration of the Madras Government had been conducted on the principles of justice, moderation, humanity, or true wisdom.

The *notorious unpopularity** of Sir George Barlow throughout the settlement is moreover considered by us, if it stood alone, as a sufficient cause for his removal, as we fully agree with Lord Minto in his observations in the letter above alluded to, paragraph 235, "Real grievances, it will be felt universally, should in all cases, and in all circumstances, be redressed; but after revolt has been subdued, and when the motive of healing measures cannot be misinterpreted, it will not deserve the charge of weakness, but appears to me rather a point of true magnanimity, that a Government should study even the passions, the temper, the prejudices, and the errors of those who are subject to their rule." And the petty details of the fruitless endeavours used to induce the Officers of one of His Majesty's regiments to dine at the Government House, and of the march of a regiment of Sepoys 500 miles from the Settlement, on account of the aversion displayed by the Officers in a refusal to partake of Sir George Barlow's hospitalities, would, perhaps, be unworthy of notice under any other view, but that of affording strong additional proof, that genuine harmony and good-will can never be expected to resume their sway under a Government which has provoked such bitter dissensions, and which, though it has succeeded in obtaining a temporary triumph, must, from the nature and causes of the contest in which it has been engaged, despair of ever gaining the least ascendancy over the affections of the community.

We have the honour to be,
Gentlemen,

Your obedient Servants,

(Signed) WM. FULL. ELPHINSTONE,

East India House,

JAS. PATTISON,

6th August, 1811.

J. DANIELL.

* An unpopularity not confined to the Europeans, but diffused amongst every class of our native subjects in India.

**To the Honourable the COURT of DIRECTORS of
the EAST INDIA COMPANY.**

Gentlemen,

I beg to dissent from the decision of the Court of the 23d instant, negating the Motion,—

“ That on a review of the Proceedings of this
“ Court on the information received from India, re-
“ lative to the late unnatural rebellion at the Presi-
“ dency of Fort St. George, the Court contemplate
“ with satisfaction the permanency which the mea-
“ sures adopted by the Court are calculated to give
“ to the state of order and tranquillity into which the
“ Settlement had been brought, and was left at the
“ period of Lord Minto’s return to Bengal :

“ That any further inquiry into the causes which
“ led to the disturbances alluded to, is now become
“ unnecessary, and could only tend to a revival of
“ those animosities and erroneous principles, which
“ it is the earnest desire of this Court may be totally
“ suppressed, in order that their baneful effects in
“ producing those evils, which of late there has been
“ so much cause to censure and deplore, may be
“ committed to eternal oblivion :

“ That although the Court approve the zeal and
“ integrity of Sir George Barlow, the present Go-
“ vernor of Fort St. George, they deem his continu-
“ ance in that station inexpedient, and not calcu-
“ lated for the attainment of the objects above
“ stated, which the Court are decidedly of opinion
“ may be more effectually promoted by a reform of
“ that Government :

“ That as it always is most desirable that His Ma-
“ jesty’s Ministers and the Court of Directors should
“ act with the greatest confidence and unanimity,
“ and most particularly on a business so delicate and
“ important as the present :

“ Resolved, therefore, That the Chairman and Deputy Chairman be desired to wait upon Lord Melville, President of the Board of Commissioners for the Affairs of India, with a Copy of these Resolutions, and, in concert with his Lordship, to form a new Government for Madrass, with as little delay as circumstances will permit :”—

FOR the Reasons here recorded ;—

Ist. BECAUSE,—Though I lament in common with every individual of the Court, the criminal excesses of a large proportion of the Officers belonging to the Madras Army, and though I am most willing to bear testimony to the great zeal and fortitude displayed by Sir George Barlow in quelling the mutiny, and to the incorruptible integrity manifested in the general discharge of his official duties, I consider the disaffection which prevailed in 1809, at Fort St. George, and throughout its dependencies, as chargeable in no small degree to the following important errors in the conduct of the local Government ; errors which, though not dwelt on in the Motion, for reasons sufficiently obvious, are of too grave a nature to be overlooked in a dissent from the decision on that Motion.

1. The release of Lieutenant Colonel Munro, by order of Government, on an appeal made by that Officer to the Civil authority, contrary to military discipline and subordination, from an arrest under which he had been placed by the Commander in Chief.

2. The refusal of the Madras Government to forward to the Court of Directors, a Memorial subscribed by a number of Officers commanding corps, containing a statement of complaints and alleged grievances, with which it was highly important that the Court should have been early acquainted ; a refusal which, when coupled with the careless neglect,

or wilful and culpable omission of the same Government to furnish the Court by the first opportunity with requisite information, and the indispensable means of judging of the wisdom or indiscretions with which its delegated authority was exercised, at a crisis when the interests not only of the East India Company but of the British Empire were at stake, tended both to aggravate discontents abroad, and to produce indecision at home.

3. The suspension from the service of Colonel Capper and Major Boles, for a strict execution of what they deemed, or might fairly conceive to be, their duty, in promulgating the General Order, 28th January, 1809, issued by the Commander in Chief, the late General Macdowal, on his departure from Madras, a measure of the Madras Government, which has been decided upon, and condemned by the Court.

4. The further aggravating harshness practised towards Major Boles,* in the refusal to permit him to depart from Madras, on the Sir Stephen Lushington, after he had formed an arrangement for coming home in that ship, which arbitrary and unnecessary restraint led to a very improper subscription among his fellow Officers in Major Boles's behalf, and by occasioning new acts of severity against the subscribers, eventually gave rise to a re-action of fresh discontent against the Government.—

Idly. BECAUSE,—The discontents which were prevalent during the course of 1809, in the Civil part of the community at Madras, as well as the Army (their simultaneous existence offering in itself a strong

* It would be difficult to assign a motive for the wanton and petty persecutions practised by Sir G. Barlow on his victims, without tracing them to a sort of luxury he felt in acts of severity; a pure and unmixed love of tormenting his fellow-creatures. A full detail of these things is now in the press.

ground of presumption that the disaffection of the Military Officers did not proceed from any circumstances peculiar to that profession) may be traced to the following among other reprehensible acts of the Government.

1. The interference of Government, contrary to justice, prudence, and the obligations of duty, in prosecutions instituted against individuals suspected as the fabricators of certain bonds, purporting to have been granted by the late Nabob of the Carnatic, espically in appointing the Company's Law Officers, themselves interested in the suspected bonds, to defend Reddy and Anunda Row, accused and since convicted of forgery; in assigning the same Law Officers as Counsel to Mr. Battley, who, notwithstanding all the assistance and support he received from Government on his trial, was convicted of perjury; and in dispatching Mr. Saunders, a Company's servant, to Manargoody, to collect evidence at considerable expense to the Company, in favour of Mr. Batley; a measure which, when it is recollected that the witnesses giving this evidence were not believed upon their oaths, amounted to a subornation of perjury.

2. The persecutions which, in various instances, were exercised against those who took a part in the legal proceedings tending to bring these criminals to justice, and to punishment; and, specifically, in the removal of Mr. Maitland* from his situation of Civil Magistrate, on account of what was *strangely* termed "*his factious proceedings*," in having committed Reddy and Anunda Row on a charge of for-

* Mr. Maitland was specifically removed from his office of Magistrate by Sir George Barlow, for having, in the course of his duty as a Justice of the Peace, committed the two persons who were subsequently convicted.

gery, sworn to by two witnesses; in the removal from the Presidency of respectable persons, who had served as Jurymen, without any sufficient cause; and above all, in the removal of Mr. Roebuck, an old servant of the Company, from his office of Mint Master, and the banishment of that gentleman to Vizagapatam, where he died soon after, without any reason being assigned for this extraordinary act of harshness and oppression, and without any other supposable ground for it, than that, with a view to the protection of his own property, as one of the legal creditors of the late Nabob of the Carnatic, Mr. Roebuck had instigated, or supported from his own funds, these prosecutions against the fabricators of the forged bonds.

III^dly. BECAUSE,—The vigour for which Sir George Barlow's Administration is admitted, in some instances, to have been most creditably distinguished, has in others been wonderfully misapplied; and on no occasion more than when ignobly employed in breaking up a seminary, and in dispersing the scholars belonging to it throughout India, because they had declined accepting an invitation from Lady Barlow to a ball or assembly; a mind so constituted as to busy itself about such offences seems to me incompetent to govern a great empire, and incapable of maintaining an ascendancy in the affairs of men.

IVthly. BECAUSE,—I am of opinion, that in some recent instances Sir George Barlow has acted in a manner disrespectful towards the Court. The Court's recommendation to appoint Colonel Agnew to the office of Adjutant General has not been complied with, nor has the Madras Government vouchsafed to offer any explanation for declining to appoint him, although the receipt of the letter containing the recommendations has been duly acknowledged; and

the dismissal of Mr. Petrie* from Council, on receipt of a paragraph which stated that the Court had passed a resolution to that effect, and which paragraph was transmitted by the Secretary Mr. Ramsay, with an explanation that it would make part of a future dispatch, to say the least of it, was highly precipitate and indecorous, if not illegal; delicacy towards Mr. Petrie, as well as respect towards the Court, ought to have induced the Government to wait their regular instructions, before they carried into effect a measure of this personal nature.

Vithly, BECAUSE,—According to any views of policy, although the supreme governing power of a State ought neither to be swayed by popular clamour, nor yield to unlawful combinations among any particular class of its subjects, public opinion ought always to be consulted in the choice of those to whom authority is delegated; and I entirely concur in the following analogous sentiment expressed in the 295 parag. of a dispatch from Lord Minto, dated 5th of February 1810.—“ Real grievances, it will be felt
 “ universally, should in all cases and in all circum-
 “ stances be redressed, and when the motive of heal-
 “ ing measures cannot be misinterpreted, it will not
 “ deserve the charge of weakness, but appears to me
 “ rather a point of true magnanimity, that a Govern-
 “ ment should study *even the passions, the temper,*
 “ *the prejudices, and the errors of those who are sub-*
 “ *ject to their rule.*”

Vithly. BECAUSE,—It is notorious, that though

* Such was Barlow's indecent precipitation to exhibit his triumph over Mr. Petrie, (a triumph for which he was indebted to a majority of one, or according to some statements, to the mere drawing of lots in the Court of Directors) that he took advantage of this letter, which contained no formal, or official dismissal, but a mere intimation of the passing of a resolution to that effect, which might have been rescinded, to dismiss that Gentleman from the Council with every mark of contumely and disgrace.

tranquillity has been re-established in the Madras Settlement, confidence has not been restored between the Governors and the governed; and equally notorious, that the present Government is so exceedingly unpopular, that measures even of a conciliatory and healing nature will in its hands be deprived of all their grace, and lose the whole of their intended effect.

VIIthly. BECAUSE,—Although I am of opinion that Sir George Barlow has justly forfeited the confidence of his employers, I am still more decidedly convinced that, had his conduct been invariably such as to entitle his administration to the unqualified and unreserved approbation of the Court, he ought, considering the rooted bias in the public mind at Madras, both against his person and government, to be recalled on grounds of expediency; particularly as the measure of recall could not, after a lapse of two years from the suppression of the mutiny, be fairly imputed on our part to any dereliction of principle, or abandonment of our just rights.

Lastly. BECAUSE,—Upon all grounds sustaining these reasons of dissent, I consider a change in the Government of Fort St. George as essential both to the prosperity and security of the British possessions in that part of India.

I have the honour to be,

Gentlemen,

Your very obedient Servant,

(Signed) ROB. THORNTON.

India House,
6th August, 1811.

East India House, Aug. 5, 1811.

To the Honourable the COURT of DIRECTORS.

Gentlemen,

I dissent from the resolution of the Court of the 23d ultimo; by which was negatived the proposition then brought forward, declaring the expediency of a change in the Madras Government;

BECAUSE,—After having survived one of the greatest convulsions that ever endangered a State, by the suppression of the late unhappy revolt in the Madras army, I concur in the opinion of the Governor General, that “the next care is to prevent the return of “the evil,” and I know not how that care can be evinced, or its object secured, but by measures of healing policy, calculated to extinguish the animosities in which the evil originated, and to restore that harmony, union, and confidence, between all the branches of the public Service, which have so long been banished from the Coast of Coromandel.

BECAUSE,—Actuated solely by these views, and by a sense of the danger inseparable from such a state of things, I consider the committing the reins of the Madras Government to hands disconnected with the late convulsion, as a measure dictated by public expediency, and having reference only to its *effects*, in the almost universal feeling and temper, which there is too much reason to believe pervade the public mind towards the existing administration.

BECAUSE,—In the propositions which have been rejected by the Court, no allusion is made to the measures which led to the revolt, nor any censure either expressed or implied on the conduct of Sir

* The reader's attention is particularly directed to this and the following protest of Mr. Bannerman. The latter is a luminous and powerful production, and almost sufficient to redeem the Directors from the general contempt and hatred in which, as a body, they are held, by those who do not know their characters as individuals.

George Barlow, to whose general merit, long services, and the firmness which he displayed in that arduous crisis, I am ready to do every justice. As a general proposition it may be admitted, that the best evidence of a wise and just Government will be found in the respect and confidence with which it is surrounded ; but *these* do not invariably follow the most upright intentions: and I am aware, that every allowance should be made for the difficult situation in which Sir G. Barlow was placed ; nor do I mean to detract from the merit here ascribed to him, but merely to assign the considerations which influence my judgment on this momentous subject, when I state that if Sir G. Barlow has borne his triumph with moderation, and endeavoured to heal the wounds he had inflicted, and to conciliate his fallen adversaries, there is but too much reason to believe that he has not succeeded. The territory, which has been justly described as the key of our Indian empire, is represented as still a prey to intestine divisions ; the Government obnoxious alike to the Civil and Military servants ; the Army, once the pride of our Service, and the cradle of its most illustrious Officers, conscious of its past reputation, ascribing its recent crime and consequent abasement to the intolerable severity and oppressive acts of Sir G. Barlow ; the latter charging them to the mutinous spirit of the Officers ; each criminating the other ; and our inveterate Foreign Enemy and the Native States contemplating the unnatural strife, with the hope, that, by shaking the foundations of our power, it may enable them finally to effect its subversion. Such is the gloomy picture* which Madras at this moment pre-

* Nothing more is wanting to heighten this gloomy picture, but to state, that social life is rendered unquiet and insecure by spies and informers. A dark and sullen cloud hangs over the whole Settlement, far remote from tranquillity, and more dangerous than actual insurrection ; the stillness of despair.

sents ; and, under such circumstances, there can be no hope that the Army can ever be reconciled to *him* whom it considers to be the author of its humiliation, or that they can be brought to view each other again with cordiality or respect. In the breast of each the sense of injury must be too deep to be eradicated. The victor cannot cease to remember the perilous extremity to which he was compelled to resort : and the vanquished party will pine under a sceptre which it contemplates only as the weapon of triumphant tyranny.

BECAUSE,—Therefore, it is in vain to expect, while the authority continues vested in Sir G. Barlow, that the Madras Army can lift its head again to that cheerful discharge of its duty, on which equally depend the recovery of its former reputation, and the security of the interests it is destined to protect ; for I need not point out how wide is the distinction between a forced obedience mixed with discontent and hatred, and that obedience in which the heart participates, and which is given not less from inclination than from principle. The Court of Directors, and especially those Members of it who have served in India, will easily call to their recollection, periods when the utmost efforts that could have resulted from a merely constrained sense of duty would have been unavailing, when the united efforts of every heart and hand, and above all in the army, the most ardent and heroic spirit of enterprize, with a cheerful submission to hardships and privations of every sort, were necessary to enable us to meet the difficulties which assailed the Company on every side. No one can say that we shall not again have similar exigencies to encounter, or that similar exertions will not again be required.

BECAUSE,—Therefore, it seemed to my judgment, that every motive of just policy and every considera-

tion connected with the important interests entrusted to our care, called upon the Court of Directors to extinguish those embers of discontent which are still glowing, and to terminate the animosities which still prevail in every part of the Madras Establishment, and which never can cease while their exciting causes remain; and I concurred in recommending a change in the Government, by the recall of Sir G. Barlow, as the only measure that promised to be effectual for these important purposes; other healing measures may also be advisable, but this only will apply to the root of the existing evils. I am aware that it may possibly be objected to this measure, that it would afford a triumph to the Army, but I can see in the objection no real validity. It might, indeed, be sufficient to urge in answer to it, that the question to be decided is, not whether the Army or the Government shall triumph, but whether dangers which threaten our safety in India shall be removed; but we have, in truth, perhaps, too abundantly guarded against the Army's ascribing any change in the Government to a diminished sense of their misconduct. The Court's dispatch of the 1st May, 1810, (which was published to the Army in General Orders) is an effectual security against any apprehension of that kind. In that dispatch, no terms of eulogy are left unapplied to the conduct of Sir G. Barlow in the suppression of the revolt; and the rejected proposition expresses no censure of the measures which led to it. In reality, whatever may have been the merit or demerit of those measures, whether they were, as I have no doubt Sir G. Barlow believed them to be, necessary for the due vindication and support of the authority of Government, or were, as considered by the Officers, unnecessary and oppressive outrages on every recognized principle of justice, and on those feelings which constitute the best pride and orna-

ment of the soldier's character. The question, though of extreme importance to Sir G. Barlow, cannot, whatever may be the decision upon it, affect the broad principle on which I rely, namely, that where *the Governor of a distant dependency, comprehending one of the most valuable and important limbs of a great Empire, has, from any cause whatever, become so unpopular as to excite not only a general odium against his Government, but open rebellion against his authority, he is no longer in a capacity to fulfil the ends of his trust, and a great public expediency demands his recall.* If he had even incurred the odium only by the pursuit of right measures, the principle would remain the same; the lesser would be absorbed in the greater interest; though in that case a just indemnification would be awarded, and the recall expressed in terms that would prevent its inflicting any painful sensation.

Such is the sincere result of the best consideration I have been able to give to this momentous question, which I have weighed dispassionately, and with neither the feelings nor the views of party spirit: I disclaim any wish to palliate the dreadful excesses of the Army; and those who most differ from my opinions, cannot more sincerely condemn Military combinations for any purpose or any object, however justifiable in itself if sought by proper means: but I cannot forget that this Army, however veiled by its present cloud, had, (as most truly stated by the Governor General) "to the hour of the mutiny, been invariably distinguished by a long and uniform display of every Military virtue;" that it has hitherto faithfully preserved to us our invaluable possessions, and that we still must look to it for their further security and defence. The safety of the Carnatic, (the central support of our Empire in the

East) depends on restoring it to its former state of content, confidence and discipline, and removing the schism and estrangement which now separate it from the Civil Government. These desirable ends cannot be accomplished by a Governor, whose administration is held in universal dislike by all descriptions of persons dependent on his authority, and I should therefore feel the deepest conviction of the impolicy of continuing Sir George Barlow in the Government of Madras, even if all his measures had been wise and just; an inference certainly not sanctioned by some of the decisions and expressed opinions of the Court, and I believe hardly contended for by the most partial of his friends. But I view with equal apprehension the danger which his continuance in the Government threatens to the safety of the Company's possessions on the Coast, by weakening all the securities of their defence, and by the hopes of renewed convulsion, which it cannot fail to excite in the minds of our active and inveterate European Enemy, and of the Native States, who are watching for an opportunity to regain their former power and influence.

On these accumulated grounds, I desire to record my dissent from a Resolution, which, by continuing Sir G. Barlow in the Government of Madras, involves the continuance for an indefinite period of evils, the termination of which, after the suppression of the revolt, was an object that, in my opinion, could not too soon have occupied the attention of the Court.

(Signed) J. HUDLESTON.

To the Honourable the COURT of DIRECTORS of
the EAST INDIA COMPANY.

Gentlemen,

I feel called upon as an act of public duty, to record the reasons and arguments I have made use of, in support of the Motion of the Honourable William Elphinstone, on the 23d instant, and at the same time beg this may be considered as my solemn Protest against continuing, in effect, the present commission of Government at the Presidency at Fort St. George.

The lengthened discussions which have arisen out of the several branches of this question, have made it my duty to record my opinions on most of the points connected with it.

I shall, therefore, endeavour to compress into 'as small a compass as is practicable, the general grounds on which my support has been given to the Motion.

At a very early stage of these discussions, I stated my opinion, that the first fit opportunity ought to be embraced for establishing at Fort St. George, an efficient, respectable, and respected Government; and my judgment is convinced, that a fit period has now arrived. I was restrained at an earlier time, from proposing the removal of a Government notoriously deficient in the qualities which I have named, because the unfortunate course of public events might have given to the precipitate adoption of that measure, the appearance of yielding to the clamours of an insurgent body. That insurrection has been long and finally suppressed, the persons "*intended for punishment*" have been brought to trial, and the law has taken and completed its course.

Partial discontent may arise from unfounded prejudice, and may be directed against an individual who really deserves popularity. *General* discontent

has seldom originated in imaginary causes ; and exclusively of the abstract merits of the question, no wise and benevolent Government has ever hesitated to remove a Governor notoriously unacceptable to the great body of those who are subject to his authority. The most strenuous advocates of Sir George Barlow will scarcely deny, that he is generally unacceptable to the British subjects, Civil as well as Military, who are placed under his Government ; and those who examine impartially, and declare truly, will find the exceptions so few, and those few created by motives which operate so powerfully, however unworthily, on human conduct, that they will see little to qualify the more absolute proposition, that the discontent was not only general, but universal. On these grounds alone, I should feel it to be my duty to urge the recall of Sir George Barlow ; but that duty must become imperative when it is ascertained, that the discontent is not only universal, but that it has arisen from causes more than abundantly adequate to the production of that unhappy effect.

Among the Civil servants as among the Military, one of the first sources of discontent and unpopularity (as is stated by Sir George Barlow in his minute of the 21st August, 1809) against the Government, was its conduct with reference to the prosecutions in the Supreme Court, connected with the subject of the forged Nabob's bonds.

In the investigation of the Carnatic debts, the individuals who had real claims were anxious, in defence of their property, to discredit the immense mass in circulation which were notoriously fictitious. Of those forged securities, one of the Members of Government, and both of the Company's Law Officers and Advisers, were the known proprietors. The chief forger of these bonds, (Reddy Row) was recommended as the official assistant of the Commis-

sioners who were to investigate their validity ; and one of the proprietors of forged bonds, (Mr. Anstruther, the Advocate General) was appointed President of a Committee, to inquire whether his own bonds were forged. When the forger was convicted by the verdict of a Jury, a Civil servant was sent express to a distant province, to garble evidence for the purpose of discrediting the verdict ; the Company's Law Officers were instructed to defend the forger, and were ordered to continue their efforts in opposition to the solemn verdicts of three Juries, two of them specially formed from the most respectable of the Civil servants. A Magistrate, (Mr. Maitland) who, in the ordinary course of his duty, had been accessory to this triumph of justice, was dismissed without inquiry ; one of the agents of the real creditors was ordered from the country to the ruin of his private affairs ; another, (although on finding his exertions gave offence to Government, he meekly withdrew from the agency) was ignominiously deprived of all his offices, and banished to a distant Settlement ; and, finally, the very Jurors who had given a verdict conformable to the dictates of reason and conscience, but who, in the phrascology of parallel times, " were suspected of being suspicious," were driven from the Presidency for the purpose of breaking up, what a shameless but triumphant cabal have dared to stigmatise as an improper combination. These are strange facts, but they are no longer disputable ; the hand of Providence would almost seem to have been abroad to complete the triumph of law over depotism ; the facts have become too notorious for denial, and too plain for subterfuge, and the Company's Law Officers have been compelled to admit the forgeries which they defended, and to acknowledge the error into which they were *innocently and inadvertently* led.

The Forger, unable to stem the force of truth, rushed in despair into that tribunal where the pleading of despots has no avail. I will not detain the Court by tracing the history of the sufferings of each, and will only observe with regard to the case of Mr. Roebuck, that Sir George Barlow seems desirous to acquit himself of the charge of the *murder* of that unfortunate gentleman. I do not accuse him of that crime, because the intention to kill is one of its ingredients, and I have no reason to attribute this intention to Sir George Barlow; but whatever may have been his intention, there can be little doubt but his acts were the *cause* of Mr. Roebuck's death.

Whatever may have been Sir George Barlow's knowledge of the state of facts, always obvious to the majority of the community, always considered disgraceful, and now no longer disputable, it was, under the best construction of his opinions, his most sacred duty to have suppressed them; and most assuredly it never will be tolerated by a British public, that any Governor, under any circumstances, himself possessing no judicial authority, shall extend the arm of terror to subvert the regular course of justice; shall, instead of abstaining with reverence from all interference with proceedings, which are polluted by the touch of power, pervert that power to the maintenance of forgery and perjury; shall vilify the solemn verdict of British Juries, punish the Jurors, dismiss Magistrates, and becoming a party in the cause of iniquity, send away the unoffending assertors of their private rights, to poverty, to banishment, and to death. I only require, that we should not tolerate in Sir George Barlow, what the people of England most certainly would not tolerate in any man or set of men, administering even the Government of this country.

In adverting to Military transactions, I shall endeavour to be as brief as possible.

Two facts have been assumed with infinite ease and unblushing confidence in the dispatches from Madras; viz. 1st. That *treasonable* designs were known and *proven* to exist before the 1st May, 1809, or the transactions noticed in the order of that date; and, 2d. That the Army had no grievances. The latter proposition is very abundantly disproved by the facts which they themselves avow; and with regard to the former, it will naturally occur to the Public to ask, why is not all clamour and cavil silenced at once by producing those *proofs* of seditious objects and intentions; the Public will conclude, and Sir George knows, that he had no such *proofs*. Subsequently, without doubt, there was abundant guilt and more abundant folly, but at no time any fixed design of subverting the authority of the State; the folly and madness of the day was an attempt to separate the authority of the State from the person empowered to exercise that authority; but Sir George Barlow well knows, that if treasonable designs had at any time existed, he would not now be uttering calumnies from the seat of power; he knows that even so late as the 26th July, Officers, meditating treason, would not have become the willing dupes of a shallow artifice, by peaceably retiring to the places appointed for their residence; many of them for want of any European to take charge, delivering over their commands in due form to the astonished Native Officers. Will it be contended, that because from time immemorial some few examples of discontent, whether with or without cause, did really exist, that said discontent was actually expressed by one, two, or three Military persons at different times, and therefore that the whole Army was, and of course always had been, in a state of sedition? To all these assertions and argu-

ments I will oppose the direct evidence of Sir George Barlow and Lord Minto; the former in his General Order of the 1st of May, 1809, refers all the unjustifiable proceedings of the Army to a date posterior to the departure of General Macdowall; and Lord Minto, in his General Order of the 20th of July, 1809, says, "have hitherto been the theme of just "and unqualified applause;" and in his General Order of the 25th of September, 1809, says, "which "a long and uniform display of every military virtue "had, till this calamitous season, so well justified."

Representations, whether justifiable or otherwise, were however meditated and known to Sir G. Barlow for some time previous to the departure of General Macdowall; but with the exception of what relates to the complaint against Colonel Munro, there was not one subject of grievance less earnestly pressed by His Majesty's Officers than those of the Company; but although the signatures of the former were by due management withdrawn, the feeling remained; and at a comparatively late period, it became the subject of formal apology to withdraw the signatures of a regiment which had subscribed for the support of Major Boles. Highly as I respect and honour those Officers individually and collectively, I will not suppress the remark, that their feeling for Major Boles was pure compassion and no more;—that there was strictly speaking no sympathy, no sense of common suffering, no common dread of the oppression which Major Boles had suffered; because Sir G. Barlow was destitute of the power to suspend, or in any manner to punish any one of that body without a legal trial; he did suspend General Macdowall from the office of Commander in Chief of the Company's forces; he could not suspend an Ensign from his right to carry His Majesty's colours. Whatever were the treasons and seditions of the Company's Officers, before the

1st of May 1809, they were shared by His Majesty's Officers, who have certainly merited all the praise which they have subsequently received. Among these treasons was an intended memorial, praying for equal allowances with their brother Officers in Bengal ; a prayer which, with sorrow and shame, I have seen pronounced incompatible with reason and justice. Among those exclusively attributed to the Company's Army, was an insane production, purporting to be the draft of a memorial to Lord Minto, praying, among other things, for the removal of Sir G. Barlow. It is avowed by both those persons, that this memorial was never signed or presented, and it is even acknowledged that the intention of presenting it had been abandoned ; yet this nonentity has been made the ground for which punishment was inflicted on the greater part of the victims of the 1st of May 1809. It has been asserted with the same easy confidence which distinguishes the productions of Sir G. Barlow and Lord Minto (for the identity is truly marvellous) that the abolition of the Tent allowance was the cause of the mutiny. Now, in the General Order of the 1st of May, it is very remarkable, that not one allusion, direct or remote, is made to that transaction, not one of the crimes fabricated by that mass of gratuitous assertion, is ascribed to that cause, or to any event arising out of it. The Tent Contract had long been sent to oblivion ; but these posthumous recollections are exceedingly convenient, and have been most abundantly employed where the original assertion has proved to be *the thing which is not*.

I will no further detain the Court on the subject of the accusations of the Officers commanding Native corps against the Quartermaster General, than to notice, that Sir G. Barlow did suppress, and Lord Minto

countenance the suppression of their memorial to this Court, who have recognized the fact in their dispatch of the 15th of September 1809. It is in the natural order of cause and effect, that the authors of injustice should seek to prevent appeal; this tendency pervades the whole of these proceedings, and has been brought into distinct operation in this case and that of Colonel R. Bell, who was punished for appealing.

I am not the advocate of the inflammatory proceedings of General Macdowall, of whom, however, it is not too much to say, that an ordinary and decent degree of courtesy from Sir George Barlow would have secured his cordial co-operation. If he had lived to plead his own cause, his memory would probably have been relieved from a large portion of the obloquy which at present attaches to it; and two facts which the Government of Fort St. George have found it inconvenient to notice, seem to justify the conjecture, that better information would have given a better aspect to his conduct. 1st. It has been lately discovered, that the *direct* appeal, for which the Quartermaster General was reprimanded, was not that appeal through the Commander in Chief, but a previous appeal *not* through the Commander in Chief; a proceeding which the slightest professional knowledge will shew to be subversive of the first principles and rules of military subordination, and which no Commander in Chief could tolerate consistently with his public duty. And, 2dly, That General Macdowall, so far from being influenced by seditious motives to make the Officers umpires in a case they had prejudged, did, in his letter to his successor, distinctly guard him against allowing any Officer of a Native corps, to be a member of the Court Martial for the trial of Colonel Munro, and, with a zeal for fair trial, which has every character of sincerity, recommended

that the Court should be chiefly composed of His Majesty's Officers, as stated in the following extract :

“ Lieutenant Colonel Munro, Quartermaster General of the Army, having had charges preferred against him by the greater number of the Officers in command of the Battalions, I was, under a conviction of the necessity of the case, induced to place him under an arrest, that he may be brought to trial under your authority. After much reflection, I deemed this the most eligible course to pursue, as relieving you from much embarrassment, preventing the interference of undue influence, and not only giving Lieutenant Colonel Munro an opportunity for justification, but if he is acquitted, of bringing his accusers before a General Court Martial. As the Officers of the Native Army have in some degree prejudged the cause, it may be improper that any of them should sit on Lieutenant Colonel Munro's trial, but a competent and impartial Court will readily be assembled from the King's troops, the Company's corps of artillery and engineers, and perhaps the Madras European regiment. This, of course, will be left to your own judgment; but as I am clearly of opinion that the Quartermaster General should be tried, I trust you will support this sentiment against every illegitimate interference. The vindication of the character of the principal Officers of the Army from expressions which they consider false and unfounded, I now place with a man of honourable principles and matured judgment; they will not be disappointed in their expectations.”

Madras,

23d Jan. 1809.

(Signed)

“ HAY MACDOWALL.”

I put it to the cool reflection of every member of the Court, whether, under the notorious state of the relation between the late Commander in Chief, General Gowdie and Sir George Barlow, the existence of this letter was known to the latter, and whether a feeling for the reputation of a person unable to defend himself, or what other feeling, has hitherto *kept it in concealment*. It is quite unnecessary to combat the argument so much insisted on — “*That if Colonel Munro was blameable, his conduct was a fit subject of investigation by his superiors, and not by the Officers of the Army,*” because the argument proves infinitely too much for the cause of Sir George Barlow, who, when the Officers had abandoned their demand of military trial, actually suppressed the memorial which they addressed to their superiors in consequence.

It is far removed from the object of the preceding remarks, to defend any portion of the seditious conduct of the Officers at a subsequent period. Their sole object has, I trust, been incontrovertibly attained; and this object consists in the direct proof of a proposition broadly affirmed by Sir George Barlow himself at one time, and with happy versatility and effrontery denied at another; namely, that whatever might have been the prior discontents, all the unjustifiable proceedings of the Army had a date posterior to the departure of General Macdowall, or, in other words, to his own wanton punishment of Major Boles, which, in characters so plain, that he who runs may read, was the sole and undivided origin of the mutiny. The General Order, dated 31st of January, 1809, by which that punishment was inflicted, has received the just reprobation of this Court in its Military letter to Fort St. George, dated 22d of February, 1811.

It has already been shewn, that the draft of a memorial, which as a memorial never had existence, and which Sir George Barlow knew to be abandoned, was skilfully pressed into the service, when the Army was known to be agitated by an injury to which he dreaded to attribute its true effects ; but it was a most unworthy and flimsy subterfuge, thus to conjure up the ghost of a nonentity to exhibit a gaudy stage trick, for the purpose of drawing off the attention of his superiors and the public from the sole and undivided cause which then inflamed the minds of the Officers, namely, *punishment and degradation without cause or pretext, or trial, or inquiry*. If, indeed, it be the privilege of a Military man to be exempt from human feelings, to have no sympathy with sufferings directly impending over his own head, to bear wrongs as well as hardships without a murmur, to be the *only* Christian of whom it shall be literally required to bless his enemies, and to pray for those that despitefully entreat him, then are the murmurs without palliation which agitated the minds of those unfortunate men from the 31st of January to the 1st of May 1809.

The events of that day changed the aspect of their cause ; they burst the bounds of reason, and from the wantonly injured and deeply offended, became the offending party.

Of subsequent measures I have already taken some cursory notice, and shall only stop to observe, that under the acknowledged weakness of human reason, it is deemed prudent to estimate the wisdom of human measures by their efficacy in promoting their professed objects. Of the efficacy of Sir George Barlow's measures, he has himself most distinctly, but unwittingly, furnished us with ample testimony ; in an eulogy published to the Army, on what (with an irony somewhat too keen) he is pleased to call *his*

own moderation, he exhausts the language of lamentation in avowing, that every one of his measures had produced effects exactly the reverse of those he had foreseen and intended.

The measure of the Test, adopted on the 26th of July 1809, is one, the consequences of which may be too important to speak of it lightly; it broke asunder the bond by which the Native Soldier and European Officer were united; it destroyed the harmony between the King's and Company's Services; it dissolved the chain by which a handful of Europeans have, hitherto, governed millions of Natives; it humbled the high spirit of that Army which gained and preserved our power in the East against the united efforts of the Native powers and France. These consequences have already resulted from the infatuated conduct of Sir George Barlow.

I have, on a former occasion, found it my duty to allude to the endless persecutions and publications to the Army, year after year, of interminable reproaches; and the recent dispatches from India, afford some memorable illustrations of the treason and disaffection imputed to individuals in the early stages of these events. The individual who was sent to disease and solitude, and afterwards on a distant service, professedly intended as an exile, as the punishment of an innocent and convivial toast, "*The friends of the Army*," has answered the accusation of treason on the hills of Amboyna, and finally strangled the foul calumny on the ramparts of Ternate, by an achievement which will live when the puny malice of Sir G. Barlow shall have ceased to be important.

The mutiny has been suppressed; but let it never be forgotten, that not one man surrendered to Sir George Barlow, but all, and unconditionally, to Lord Minto, in consequence of his public profession of conciliation and inquiry.

The career of Sir George Barlow's Government commenced with punishment without trial or inquiry, or reason or consideration; the error was discovered when too late. It was in contemplation to restore an innocent man, on the condition of his pleading guilty; he refused to be accessory to his own infamy, and there was not sufficient magnanimity to retract a blind, outrageous, and precipitate error; false measures were necessary for the support of false principles. Crimes did not exist; it was therefore necessary to *create* crimes for the purpose of obscuring the true origin of the question at issue, when, in pursuance of this system, men had been goaded past forbearance by a succession of punishment without trial, to the actual commission of crimes; then, indeed, it was ostentatiously announced, that trial by Court Martial should be restored: but when the sentence of that Court Martial was pronounced, then this most consistent Government bring up their corps de reserve, revert to their first principle of condemnation, (whether without trial or contrary to trial is indifferent to such principles) and pronounce the suspension of Colonel Doveton, for a crime, of which he had been most honourably acquitted by the sentence of a Court Martial.

There are many other circumstances, disgusting indeed to mention, but which tend to shew the unfitness of Sir George Barlow for his present situation. On one occasion, a whole body of young Officers, sent from the Military Institution at Madras, and ordered to join their corps, because they declined holding any intercourse with a young man who had accepted an invitation to the Government House. On another occasion, the Commander in Chief was obliged to exert his personal influence with the Officers of one of His Majesty's regiments to induce them to dine with Sir George Barlow, who was so

unpopular that they refused to accept his invitation. The Officers of a Native corps having declined an invitation, although it was accepted by the Commandant, the Sepoys were punished as well as the Officers, by the battalion being sent to a station 500 miles distant, and particularly unhealthy. Another Native corps was sent from Madras, because Major Boles, after his suspension, had dined at the regimental mess.

Officers, although suspended by an arbitrary act of Sir George Barlow, although censured by him in public orders, surely were not to be branded with infamy, and held up as unworthy to be received into private Society : and yet we find Sir G. Barlow actually expressing a wish that the Officers who had fallen under his displeasure, should not be invited to the houses of the members of Council.

The unusual severity shewn to the Hon. Lieutenant Colonel St. Leger and Captain Marshall, affords further proof of the vindictive spirit by which Sir George Barlow seems to have been actuated throughout this unhappy period, and gives us too much reason to believe, that harmony and mutual confidence never can be restored under his Administration.

To the multiplied causes for the recall of Sir George Barlow, of which only the most prominent have been noticed, I will add his unauthorised dismissal of Mr. Petrie before he had received the new commission of Government, or possessed any legal authority for violating not only the existing commission of Government, but a separate commission, held by Mr. Petrie, to succeed to the office of Governor in case of the death or absence of Sir George Barlow. The legality of this measure may be estimated by supposing an ordinary event, namely, the death of Sir George Barlow, after the dismissal of

Mr. Petrie, and before the arrival of the new commission of Government.

It will hardly be contested, that in such contingency, Mr. Petrie must necessarily have assumed the Government of Fort St. George; and if so, his removal was unlawful, and all the acts of the remaining members void. If there should be any doubt of the illegality of this act, assuredly there can be none of its indecency, as the miserable triumph of a little and illiberal mind, over a man whom he had injured past forgiveness.

I will conclude a catalogue, which might still be much prolonged, by adding his disobedience and disregard of the intentions of this Court, officially announced, in the case of Colonel (now General) Agnew.

I have the honour to be,
 With great respect,
 Gentlemen,
 Your obedient Servant,
 (Signed) J. BANNERMAN.

India House, August 6, 1811.

The above is a rapid outline of the tyranny of Sir George Barlow's Government, solemnly recorded by one of the body, to whom the Government of India is committed. But the details are still wanting. The Public must have them, and they will shortly be published. They are calculated to make human nature hang down its head in sorrow and shame.

